

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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AGAPITO CAMACHO,

Plaintiff,

-against-

21 CIVIL 6180 (PMH)

JUDGMENT

CARL DUBOIS, et al.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated December 19, 2022, Defendants' motion to dismiss is GRANTED. Plaintiff's claims are dismissed with prejudice. Plaintiff cannot cure the defects in the Amended Complaint through further amendment. While "[d]istrict courts should frequently provide leave to amend before dismissing a pro se complaint... leave to amend is not necessary when it would be futile." *Reed v. Friedman Mgmt. Corp.*, 541 F. App'x 40, 41 (2d Cir. 2013) (citing *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000)). Moreover, "leave to amend may be denied if [as here] the plaintiff has already been given an opportunity to amend but has failed to cure the complaints deficiencies." *Barnett*, 2022 WL 1775716, at *2. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Order of Dismissal would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue); accordingly, the case is closed.

Dated: New York, New York

December 19, 2022

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk